

April 7, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0233

Luther White (Richmond Pool and Patio)

Midlothian Magisterial District
2319 Latham Place

REQUEST: A twenty (20) foot Variance to the eighty (80) foot front yard setback requirement for a swimming pool in a Residential (R-25) District.

RECOMMENDATION

Recommend approval of this Variance for the following reasons:

- A. Variance will not impair the character of this residential area.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.

CONDITION

This Variance shall be for the proposed swimming pool as depicted on the plat attached to staff's report.

GENERAL INFORMATION

Location:

Property is known as 2319 Latham Place. Tax ID 718-715-8611 (Sheet 1).

Existing Zoning:

R-25

Size:

0.7 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North -R-25; Residential
South -R-25; Vacant
East -R-25; Residential and vacant
West -R-25; Residential

Utilities:

Public water and sewer

General Plan:

(Upper Swift Creek Plan)

Residential
(1.0 unit per acre or less)

DISCUSSION

The applicant is proposing to install a swimming pool sixty (60) feet from the front property line. The Zoning Ordinance requires an eighty (80) foot front yard setback requirement, therefore the applicant requests a twenty (20) foot Variance (see attached plat).

The applicant provides the following justification in support of this request:

We wish to build an in-ground pool/spa directly behind the house which is currently under construction. The front yard setback slices through the only suitable pool location since we are restricted on one (1) side by a fifty (50) foot setback and another by 100 foot backwater line.

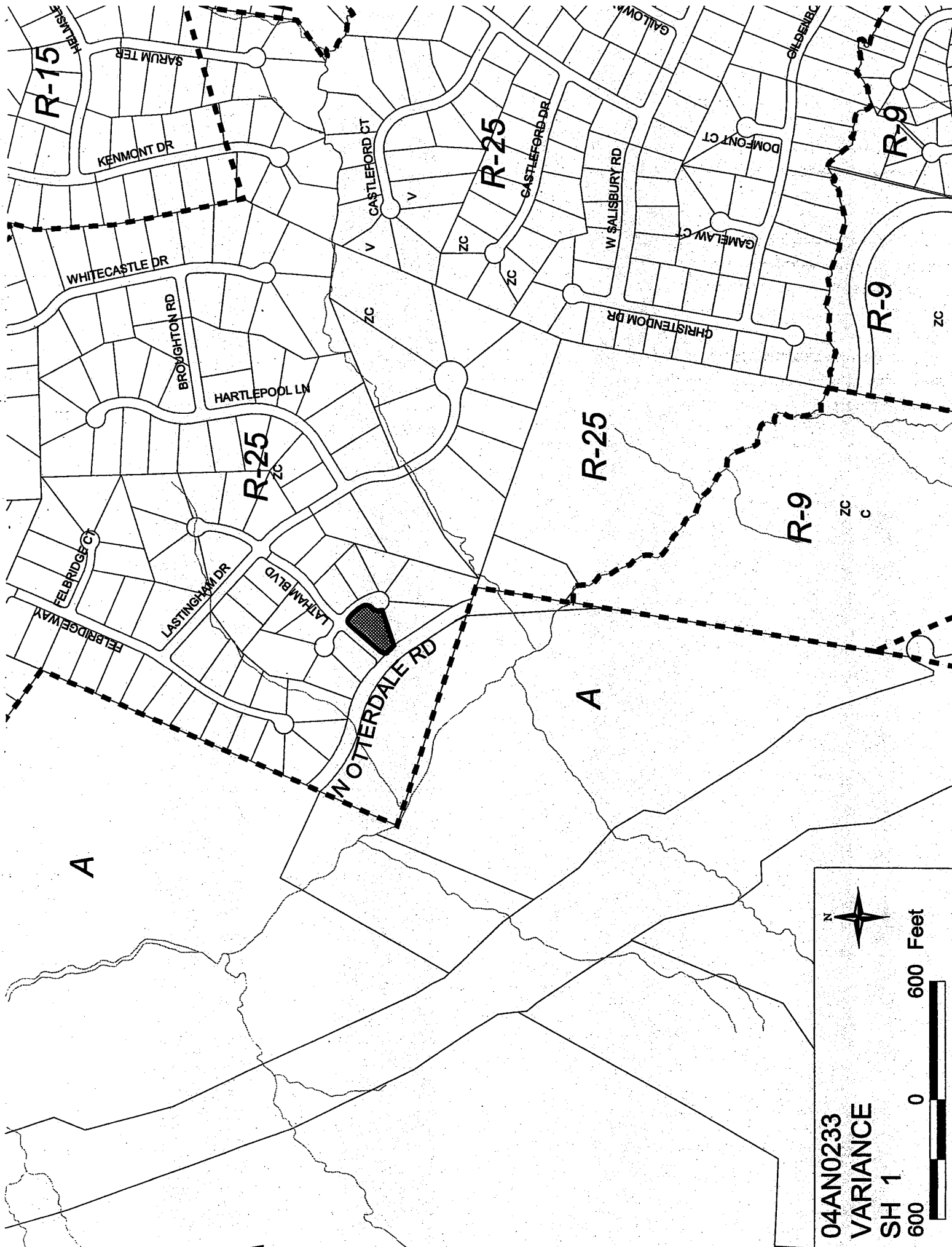
The front yard, because of a cul-de-sac, by definition runs up beside the house causing the eighty (80) foot setback to slice through the back yard, making much of it unusable, at least for accessory structures.

Staff visited the site which is located in the Rosemont Subdivision, a newly developing neighborhood.

Staff notes the subject property is located on two (2) roads and one (1) cul-de-sac. The front yard setback is measured from a point off the cul-de-sac across the yard to Latham Boulevard. The proposed pool will be located behind the dwelling but in the defined front yard. If the property was not located on the cul-de-sac and the setback was measured from the side property line, the applicant would not need this Variance.

Staff notes that this property is located along three (3) streets and, as such, is unique. Staff believes that the strict application of this chapter would unreasonably restrict the use of the property. Staff believes this unique condition is not of a general or reoccurring nature and is not shared by other properties.

Staff believes that allowing the applicant to install an in-ground pool/spa sixty (60) feet from the front property line will not reduce or impair the value of the dwellings or properties in the immediate or surrounding area and will not impair the character of this residential district, therefore, staff recommends that this request be approved.



04AN0233
VARIANCE
SH 1

600 0 600 Feet



